

107TH CONGRESS
1ST SESSION

H. R. 1632

To provide for the compensation of the people and Government of the United States who suffered damages as a result of the attack on, and occupation of, Kuwait by Iraq in 1990.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2001

Mr. SHADEGG (for himself, Mr. ARMEY, Mr. SHERMAN, Mr. SOUDER, and Mr. FLAKE) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To provide for the compensation of the people and Government of the United States who suffered damages as a result of the attack on, and occupation of, Kuwait by Iraq in 1990.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Victims
5 of Iraqi Aggression Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Saddam Hussein engaged in unprovoked ag-
2 gression in his invasion and occupation of Kuwait on
3 August 2, 1990.

4 (2) The Iraqi occupation force inflicted physical
5 injury, including rape, torture, mutilation, and mur-
6 der, on persons in Kuwait.

7 (3) The Iraqi occupation force caused cata-
8 strophic economic and ecological damage, including
9 looting homes and businesses and setting fire to 789
10 oil wells.

11 (4) The people and Government of the United
12 States are seeking \$4,300,000,000 in personal, busi-
13 ness, and government losses that occurred as a re-
14 sult of the invasion of Kuwait by Iraqi forces.

15 **SEC. 3. PAYMENT OF CLAIMS AGAINST IRAQ.**

16 (a) IRAQ CLAIMS FUND.—The Secretary of the
17 Treasury shall establish in the Treasury of the United
18 States a fund to be known as the Iraq Claims Fund (in
19 this section referred to as the “Fund”).

20 (b) VESTING OF ASSETS.—All nondiplomatic ac-
21 counts of the Government of Iraq that have been blocked
22 pursuant to the International Economic Powers Act (50
23 U.S.C. 1701 et seq.) shall vest in the President. The
24 President, not later than 30 days after the date of the

1 enactment of this Act, shall liquidate such accounts and
2 transfer the amounts from the liquidation to the Fund.

3 (c) PAYMENTS.—

4 (1) INDIVIDUAL CLAIMS.—

5 (A) IN GENERAL.—After receiving a cer-
6 tification of claims from the Foreign Claims
7 Settlement Commission of the United States (in
8 this section referred to as the “Commission”)
9 under subsection (d), the Secretary of the
10 Treasury shall pay each such certified indi-
11 vidual claim out of the Fund as provided in
12 subparagraph (B) or (C).

13 (B) PAYMENT IN FULL.—If the total
14 amount in the Fund available for distribution
15 (after making the deduction for administrative
16 expenses under subsection (f)) is equal to or
17 greater than the sum of the amounts of all cer-
18 tified individual claims, the Secretary of the
19 Treasury shall pay each certified individual
20 claim in full.

21 (C) PRO RATA PAYMENT.—If the total
22 amount in the Fund available for distribution
23 (after making the deduction for administrative
24 expenses under subsection (f)) is less than the
25 sum of the amounts of all certified individual

1 claims, the Secretary of the Treasury shall pay
2 each certified individual claim in an amount
3 bearing the same ratio to the full value of such
4 certified individual claim as the total amount in
5 the Fund available for distribution bears to the
6 sum of the amounts of all certified individual
7 claims.

8 (2) CORPORATE AND GOVERNMENT CLAIMS.—

9 (A) IN GENERAL.—If the Secretary of the
10 Treasury has paid all certified individual claims
11 in full under paragraph (1)(B), the Secretary of
12 the Treasury, after receiving the certification
13 from the President under subsection (e), shall
14 pay each certified corporate claim and each cer-
15 tified Government claim out of the Fund as
16 provided in subparagraph (B) or (C).

17 (B) PAYMENT IN FULL.—If the total
18 amount in the Fund available for distribution
19 (after paying the certified individual claims in
20 full under paragraph (1)(B)) is equal to or
21 greater than the sum of the amounts of all cer-
22 tified corporate claims and all certified Govern-
23 ment claims, the Secretary of the Treasury
24 shall pay each certified corporate claim and
25 each certified Government claim in full.

1 (C) PRO RATA PAYMENT.—If the total
2 amount in the Fund available for distribution
3 (after paying the certified individual claims in
4 full under paragraph (1)(B)) is less than the
5 sum of the amounts of all certified corporate
6 claims and all certified Government claims, the
7 Secretary of the Treasury shall pay each cer-
8 tified corporate claim and each certified Gov-
9 ernment claim in an amount bearing the same
10 ratio to the full value of such claim as the total
11 amount in the Fund available for distribution
12 (after paying the certified individual claims in
13 full under paragraph (1)(B)) bears to the sum
14 of the amounts of all certified corporate claims
15 and all certified Government claims.

16 (d) DETERMINATION AND CERTIFICATION OF INDIVIDUAL AND CORPORATE CLAIMS.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of the enactment of this Act, the Commis-
20 sion shall determine, in accordance with applicable
21 substantive law (including international law), the va-
22 lidity and amount of each individual and corporate
23 claim, and shall certify such determination to the
24 Secretary of the Treasury. Such certification shall be
25 in the form of a single document, listing first the

1 valid individual claims and second the valid cor-
2 porate claims, and shall include with the listing of
3 each claim the name and address of the claimant
4 and the amount of such claim, including interest, de-
5 termined by the Commission to be valid.

6 (2) APPLICABILITY OF THE INTERNATIONAL
7 CLAIMS SETTLEMENT ACT OF 1949.—Except to the
8 extent inconsistent with the provisions of this sec-
9 tion, the provisions of title I of the International
10 Claims Settlement Act of 1949 (22 U.S.C. 1621 et
11 seq.) shall apply with respect to each individual and
12 corporate claim under this section. Any reference in
13 such provisions to “this title” shall be deemed to
14 refer to those provisions and to this section.

15 (3) AWARD OF INTEREST.—In determining the
16 amount of any valid claim pursuant to this sub-
17 section, the Commission shall award interest on the
18 amount of the claim for the period beginning on the
19 date that the injury, loss, or damage that forms the
20 basis of the claim occurred and ending on the date
21 that the claim is certified under paragraph (1). In-
22 terest shall be awarded at the rate set by the Sec-
23 retary of the Treasury under section 1961(a) of title
24 28, United States Code, as of the date that the
25 Commission determines the validity of the claim. In-

1 terest shall be computed daily to the date of the cer-
2 tification of the claim under paragraph (1), and
3 shall be compounded annually.

4 (4) COORDINATION WITH THE UNITED NATIONS
5 COMPENSATION COMMISSION.—

6 (A) NONCERTIFICATION OF PAID
7 CLAIMS.—The Commission shall not certify any
8 claim under this section to the extent that such
9 claim has been paid by the United Nations
10 Compensation Commission.

11 (B) NOTIFICATION OF UNITED NATIONS
12 CLAIMANTS.—Not later than 60 days after the
13 date of the enactment of this Act, the Secretary
14 of State shall notify each United Nations claim-
15 ant of the provisions of this section.

16 (C) NOTIFICATION OF UNITED NATIONS
17 COMPENSATION COMMISSION REGARDING SATIS-
18 FIED CLAIMS.—The Secretary of State shall
19 promptly notify the United Nations Compensa-
20 tion Commission of any amount paid under
21 subsection (c) to a United Nations claimant and
22 shall suggest that the United Nations Com-
23 pensation Commission reduce any eventual pay-
24 ment to such claimant accordingly.

1 (e) DETERMINATION AND CERTIFICATION OF
2 UNITED STATES GOVERNMENT CLAIMS.—The President
3 of the United States shall determine the validity and
4 amount of each Government claim, and shall certify the
5 amount of any such valid claims to the Secretary of the
6 Treasury.

7 (f) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—
8 In order to reimburse the United States Government for
9 its expenses in administering this Act, the Secretary of
10 the Treasury, before making any payment under sub-
11 section (c), shall deduct from the Fund an amount equal
12 to 1.5 percent of any amounts transferred to the Fund.
13 The Secretary of the Treasury shall deposit as miscella-
14 neous receipts in the Treasury of the United States any
15 amounts deducted from the Fund under this subsection.

16 (g) UNSATISFIED CLAIMS.—Any payment made
17 under this section shall not extinguish the unsatisfied por-
18 tion of any claim, or be construed to have divested any
19 claimant, including the United States, of any rights
20 against the Government of Iraq with respect to the
21 unsatisfied portion of any claim.

22 (h) DEFINITIONS.—In this section:

23 (1) The term “corporate claim” means a claim
24 by any corporation, partnership, association, or
25 other legal entity organized under the laws of the

1 United States, any State, the District of Columbia,
2 or any commonwealth, territory, or possession of the
3 United States against the Government of Iraq for
4 injuries, losses, or other damages suffered as a re-
5 sult of the invasion and occupation of Kuwait by
6 Iraq in 1990.

7 (2) The term “Government claim” means a
8 claim by the Government of the United States
9 against the Government of Iraq for injuries, losses,
10 or other damages suffered as a result of the invasion
11 and occupation of Kuwait by Iraq in 1990.

12 (3) The term “Government of Iraq” includes
13 agencies and instrumentalities of, and entities (in-
14 cluding public sector enterprises) controlled by, such
15 government.

16 (4) The term “individual claim” means a claim
17 by any citizen or national of the United States
18 against the Government of Iraq for injuries, losses,
19 or other damages suffered as a result of the invasion
20 and occupation of Kuwait by Iraq in 1990.

21 (5) The term “United Nations claimant”
22 means—

23 (A) any citizen or national of the United
24 States with a claim pending before the United
25 Nations Compensation Commission; or

1 (B) any corporation, partnership, associa-
2 tion, or other legal entity, organized under the
3 laws of the United States, any State, the Dis-
4 trict of Columbia, or any commonwealth, terri-
5 tory, or possession of the United States, with a
6 claim pending before the United Nations Com-
7 pensation Commission.

8 **SEC. 4. CONSTITUTIONAL AUTHORITY.**

9 The authority on which this Act rests is the power
10 of Congress to make all laws which are necessary and
11 proper for carrying into execution the powers vested by
12 the Constitution in the Government of the United States,
13 or in any Department or officer thereof, as enumerated
14 in section 8 of article I of the United States Constitution.

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